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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

10 DAWN ZANDER,  
11 Plaintiff,  
12 v.  
13 NEW HAMPSHIRE INDEMNITY  
14 COMPANY,  
15 Defendant.

Case No. C05-5154FDB

ORDER GRANTING LEAVE TO  
FILE AMENDED ANSWER

16 Defendant New Hampshire Indemnity moves to amend its answer to assert the affirmative  
17 defense that it was not properly served with the Second Amended Complaint for Damages. This  
18 motion comes only ten days after the Answer was filed, and the deadline for amended pleadings is  
19 June 5, 2006.

20 Plaintiff Zander objects arguing that service was properly accomplished, after an initial  
21 improper attempt, and that, therefore, the motion is moot.

22 If there has not been proper service, Defendant should be able to assert that defense. The  
23 time for filing amended pleadings has not passed.

24 ACCORDINGLY,

25  
26 ORDER - 1

1 IT IS ORDERED: Motion of New Hampshire Indemnity Company for Leave To File an  
2 Amended Answer [Dkt. # 26] is GRANTED. Plaintiff's request for sanctions against Defendant,  
3 asserted in her Response to Defendant's motion, is DENIED.

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5 DATED this 15<sup>th</sup> day of December, 2005.

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7 FRANKLIN D. BURGESS  
8 UNITED STATES DISTRICT JUDGE

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ORDER - 2